

# REGISTER



## South Dakota Legislative Research Council

Volume 39

Wednesday, 8:00 a.m., December 26, 2012

**NOTICE OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council)

***Department of Game, Fish and Parks:***

(December 20, 2012) intends to amend a Black Hills Bighorn Sheep Hunting Season rule to increase the total "any bighorn sheep" licenses available. The general authority of this rule, as cited by the department, is SDCL § 41-2-18.

A public hearing will be held at the AmericInn (Scotty Phillips Room), 312 Island Drive, Ft. Pierre, South Dakota, on January 10, 2013, at 2:00 p.m. CST. Copies of the proposed rule may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to [Wildinfo@state.sd.us](mailto:Wildinfo@state.sd.us). All written and email comments must include the commenter's name and address. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

**DECLARATORY RULING:**

The South Dakota Lottery Commission has issued Declaratory 12-1 dated December 19, 2012. This ruling revises the incentive commission formula for a lottery retailer who sells a winning lottery ticket for an on-line

game. The new formula is effective January 13, 2013, and supersedes Ruling 11-1.

A copy of the ruling may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**DEPARTMENT OF HEALTH: HEALTH AND MEDICAL SERVICES:** 44:12:01:01, 44:12:01:03, 44:12:01:04, 44:12:01:07, 44:12:01:10 to 44:12:01:17, inclusive, 44:12:01:19, 44:12:01:20, 44:12:01:24, 44:12:01:28, 44:12:01:32 to 44:12:01:35, inclusive; 44:12:02:01, 44:12:02:03, 44:12:02:04, 44:12:02:07, 44:12:02:10.01 to 44:12:02:14.01, inclusive, 44:12:02:17, 44:12:02:18, 44:12:02:22, 44:12:02:27, and 44:12:02:32.

History-Notice: 39 SDR 67, October 15, 2012  
Hearing: November 7, 2012  
Filed: December 19, 2012  
Effective: January 8, 2013

**DEPARTMENT OF HEALTH: HEALTH SYSTEMS DEVELOPMENT AND REGULATION:** Article 44:72.

History-Notice: 39 SDR 88, Nov. 5, 2012  
Hearing: November 26, 2012  
Filed: December 19, 2012  
Effective: January 8, 2013

**DEPARTMENT OF REVENUE: COMMISSION ON GAMING:** 20:04:19:06; 20:04:20:32, 20:04:20:66.01; 20:04:22:02, 20:04:22:39; 20:04:23:23; 20:04:24:40,

20:04:24:64, 20:04:24:65, 20:04:24:67,  
20:04:24:69, 20:04:24:92, 20:04:24:95,  
20:04:24:105; 20:04:25:00; 20:04:27:13; and  
20:18:18.01:08 to 20:18:18.01:14, inclusive.

History-Notice: 39 SDR 87, Nov. 5, 2012  
Hearing: November 28, 2012  
Filed: December 19, 2012  
Effective: January 8, 2013

**DEPARTMENT OF GAME, FISH AND**

**PARKS:** 41:06:56:04 and 41:06:56:06 to  
41:06:56:11, inclusive.

History-Notice: 39 SDR 31, August 20, 2012  
Hearing: October 4, 2012  
Filed: December 20, 2012  
Effective: January 9, 2013

**DEPARTMENT OF GAME, FISH AND**

**PARKS:** 41:03:01:16, 41:06:13:02, and  
41:06:13:04.

History-Notice: 39 SDR 93, Nov. 13, 2012  
Hearing: December 6, 2012  
Filed: December 20, 2012  
Effective: January 9, 2013

**DEPARTMENT OF TRANSPORTATION:**

70:04:07:01 to 70:04:07:04, inclusive,  
70:04:07:06, 70:04:07:07, 70:04:07:10 and  
70:04:07:11.

History-Notice: 39 SDR 59, October 1, 2012  
Hearing: November 29, 2012  
Filed: December 20, 2012  
Effective: January 9, 2013

**Executive Order:**

The Governor has signed **Executive Order 2012-16** dated December 19, 2012. The order permits the movement of baled livestock feed over the state's highways two hours after sunset and two hours before sunrise as long as certain safety issues are met and the destination point is within South Dakota. The order will assist the livestock industry in meeting the problems associated with the drought. This order is effective December 22, 2012, and expires February 21, 2013.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

**REMINDER OF HEARINGS SCHEDULED**

1-10-2013	Game, Fish and Parks	Amend a Black Hills Bighorn Sheep Hunting Season rule to increase the total "any bighorn sheep" licenses available; 39 SDR 119.
1-17-2013	Environment and Natural Resources: Board of Minerals and Environment	Amend rules to require reporting of hydraulic fracturing details to a nationwide hydraulic fracturing database, specify final well site reclamation requirements, and add requirements for interim well site reclamation; 39 SDR 117.

## **RULES REVIEW COMMITTEE MEETINGS**

The Interim Rules Review Committee will have a telephone conference call on December 27, 2013, at 1:30 p.m. in the LRC Conference Room, third floor of the State Capitol to discuss possible legislation. The committee will have an informal meeting near the close of the Eighty-eighth Legislative Session to set the tentative meeting schedule for the 2013 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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